

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

**JAMES E. SMITH AND ASTRID SMITH,
Plaintiffs,**

v.

Civil No. _____

**NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY**

Defendant.

NOTICE OF REMOVAL OF A CIVIL ACTION

The defendant, Nationwide Mutual Fire Insurance Company (hereinafter "Nationwide"), by and through counsel, pursuant to 28 U.S.C. § 1446, gives notice of removal of this action from the Circuit Court of Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee, and alleges as follows:

1. On March 12, 2009, plaintiffs filed suit against Nationwide in the Circuit Court for Shelby County, Tennessee, where said action is now pending under Docket Number CT-001244-09. A copy of the suit filed by plaintiffs in the Circuit Court for Shelby County, Tennessee, is attached as Exhibit 1.

2. On April 28, 2009, Nationwide was served with a Summons and Complaint by service on the Commissioner of Insurance for the State of Tennessee.

3. No further proceedings have been had in the Circuit Court for Shelby County, Tennessee.

4. The entire amount in controversy exceeds, exclusive of interest and costs, the sum of Seventy Five Thousand Dollars (\$75,000.00).

5. This action only involves citizens and residents of different states. At the time of the commencement of the action in the Circuit Court of Shelby County, Tennessee, and since that time, plaintiffs were and still are residents of Tennessee. The defendant was, and still is, a corporation incorporated and organized in another State than the State of Tennessee, with its principal place of business in another State than the State of Tennessee.

6. This Court has original jurisdiction over the above-styled action, pursuant to the provisions of 28 U.S.C. § 1332 (a) and (c), and because the defendant is not a citizen or resident of the State of Tennessee, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Therefore, removal to this Court is proper, pursuant to 29 U.S.C. § 1441 (a).

WHEREFORE, Nationwide gives notice of the removal of this action from the Circuit Court for Shelby County, Tennessee, to the United States District Court, Western District of Tennessee.

Respectfully submitted,

s/Gary A. Brewer

GARY A. BREWER

Registration No. 4678

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Insurance Company

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2009, a copy of the foregoing **NOTICE OF REMOVAL OF A CIVIL ACTION** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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s/Gary A. Brewer

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